

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

---

UNITED STATES OF AMERICA

v.

BRUCE DIXON, a/k/a  
"Shabazz"  
and MICHAEL FISHER,

Defendants.

---

Criminal No. 10-335 (JBS)

ORDER

This matter came before the Court on motion of Defendant Bruce Dixon, personally, for relief of counsel and appointment of new counsel; and

The Court having reviewed Defendant's motion dated June 4, 2010, together with the oral statements of Mr. Dixon and Assistant Public Defender Christopher O'Malley, at a hearing on June 16, 2010; and

The Court notes that a Defendant has a right to effective counsel but does not have the right to counsel of his own choosing or preference, Wheat v. United States, 486 U.S. 153, 159 (1988); Morris v. Slappy, 461 U.S. 1, 13-14 (1983). A court will replace an appointed attorney, in its discretion, if there is good cause to do so, such as the irretrievable breakdown of communications between attorney and client, or a showing that counsel is incompetent or unprepared -- United States v. Welty, 674 F.2d 195 (3d Cir. 1982). In this case, the Court found that

Defendant Dixon has not made such a showing, as stated in the Oral Opinion of June 16, 2010. The motion will be denied without prejudice to Defendant's right to renew his motion at a later date if good cause to substitute counsel is shown;

IT IS this 16th day of **June, 2010** hereby

ORDERED that Defendant's personal motion shall be, and it hereby is, DENIED.

**s/ Jerome B. Simandle**

JEROME B. SIMANDLE

U.S. District Judge